

Appl. No. : 09/965,126
Filed : September 26, 2001

REMARKS

The Applicants would like to thank the Examiner for reviewing the application and for allowing claims 10-18 and 24-29. Claims 6 through 9 are cancelled by this amendment. Claim 2 was cancelled previously. New claims 31 through 34 are added by this amendment. Accordingly, claims 1, 3-5, 19-23, and 30-34 are now under consideration.

The Examiner objected to claims 6 and 8 under 37 CFR § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants respectfully submit that this objection has been rendered moot by the cancellation of claims 6-9 by this amendment. New claims 31 and 32, based on former claims 6 and 7, have now been added. Further, new claims 33 and 34, based on former claims 8 and 9, have been added.

The Examiner rejected claims 1-9, 19-21, 22-23, and 30 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. To begin, independent claim 1 and dependent claims 2-9 and 22-23 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly being incomplete for omitting essential steps. While Applicant respectfully disagrees, solely for the purpose of advancing prosecution, claim 1 has now been amended to add the step requested by the Examiner. Support for the claim amendment can be found on page 14, lines 5-8 of the specification: "...the bounded ceruloplasmin was reacted with 100 µl of the secondary monoclonal antibody...". Additionally, the previous cancellation of claim 2 and the cancellation of claims 6-9 by this amendment render the Examiner's objections to those claims moot.

Furthermore, the Examiner alleged that claims 19-21 and 30 are indefinite due to a syntax error in the phrase "being characterized of measuring." Independent claims 19 and 20 have now been amended to replace the phrase "being characterized of measuring" with the equivalent word "for." Accordingly, Applicants respectfully submit that independent claim 19 (along with its dependent claim 21) and independent claim 20 (along with its dependent claim 30) are now in condition for allowance. Additionally, claim 20 has now been amended to correct a typographical error: the "an" before the word "fluorescence" has now been replaced with the word "a".

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For all of the above reasons, Applicants respectfully request withdrawal of all rejections under 37 CFR § 1.75(c) and 35 U.S.C. § 112, and allowance of the pending application.

CONCLUSION

Applicants have attempted to address each of the issues raised in the Office Action. Applicants respectfully submit that the application is now in condition for allowance, which action is earnestly solicited. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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